

## **Comment 1 for In-Use Off-Road Diesel-Fueled Fleets (inuse2010) - Non-Reg.**

First Name: Steve

Last Name: McDonald

Email Address: smcdonald@papemachinery.com

Affiliation:

Subject: Off-Road Regulation

Comment:

All,

I believe we can all agree on the fact that the air quality in California (particularly the central valley and the L.A. basin) is of great concern to everyone living in the state. However, what we find ourselves disagreeing on is the time frame required to clean up the air quality in the state and the economical feasibility of the clean up.

The fact is that we as a state and a country have been polluting our air since the turn of the century (at the beginning of the industrial revolution) and for anyone to think that reversing 100 years of disregard for air quality can be economically achieved in a span of 15 years is simply absurd.

I understand that there is a blatant disregard for accountability at the state level and there has been for decades. After all you have a job. Legislators must become responsible for their actions. When we allow Mary Nichols to infer that the construction industry was the cause of the economic down turn of California. There is something wrong with the system. Biases have no place in our legislature. Legislators need to look past the end of their noses and their personal opinions and make an attempt to understand the impact that their decisions will have on all of the people, economics, and industries of this great state. Your decisions affect all of us and you can not make it better for one group without an impact on another group.

Every home, business, piece of infrastructure (including the building you are sitting in) and individual in this state relies on the diesel industry in one form or another. By crippling the diesel industry you cripple the ability for the state to grow and growth equates into economic prosperity. With out economic prosperity and growth our state can not meet its fiscal responsibilities and this is why we find ourselves in a state budget crisis. With out the diesel powered equipment to build infrastructure there would be no hospitals, roads, or food on the shelves. Even the State Capital Building and Mary Nichols relies on the services provided by the diesel industry.

Regardless of the science involved to determine how much of an impact PM10 has on the respiratory health of a smoker or non-smoker in Sacramento vs. in Orange CA. We have a real problem with the air quality in specific areas of the state and it needs to be corrected for the overall health benefit to everyone. However, you as legislator also have a fiscal responsibility to stay within budgetary constraints while insuring the health, safety and prosperity for all of the states inhabitants. The state requires taxes as a source of income and without jobs; growth and prosperity the tax base that the state relies on, will and has diminished. There has been a tremendous reduction in the construction industry

as a whole and that reduction equate to a loss in tax revenues. As anyone with a high school education can tell you; when your income drops, so too must your spending. So, why is it that our legislators are having such a difficult time grasping the basics of economics and how it affects business?

The answer is simple. There are two completely different economic thought processes at work. The contractor will not spend money that he does not have or can not foresee earning based on his business plan and forecasting. On the other hand, just look at the budgetary mess created by the irresponsible individuals that run our state legislature. CARB and all of our state legislators must begin to run the state like a business and come to the realization that their way of doing business just does not work for the industries that they rely on for their income and which they are attempting to control. Why is it that most people can all run their households on a budget but, when it comes to our governmental entities those same people can't seem to apply the most basic of economic standards that they use every day at home?

I ask you. Does anyone really need to prove that they have had a reduction in hours on their equipment or production? Look at your state tax revenues. Take a drive through one of the many developments that are half finished. Check the statistics on California housing starts. Call a local building permit office. It should be obvious!

There are several very intelligent people in the construction industry and many of them have some very good ideas as to how to overcome our air quality problems while continuing to grow our economy (the AGC and the EUCA are great source). I would suggest that you begin looking for solutions to the economic side of the issue or you won't need to focus on a solution to air quality. One idea is to make the CARB emissions regulation a living document that fluctuates requirements based on the Off-Road Emissions Model. This would allow the industry to contract and expand in step with economy while keeping PM, NOx and CO in check with Federal EPA requirements. Also, CARB has spent a tremendous amount of time and tax payer money to create a data base that can supply factual data (fleet sizes and make up, PM, NOx and CO certified emission output) that the Off-Road Model can use to make accurate calculations rather than estimates and EPA standard limits that end up producing results that can be argued by anyone on either side of the issue. A living document will also allow for changes in our environment for both things that we can control (ie. PM, NOx, and CO out put) and things that we can not control (ie. wild fires, rain fall, winds and even off-shore flow).

We need to come to a logical solution on those things that we can control while taking into account those which we can not and make the solution viable for everyone concerned. The current regulation does not accomplish this. It is base on assumptions and out dated criteria and it does not account for fiscal changes in our economy from year to year.

Thank you,  
Steve McDonald

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2010-03-05 13:49:32

No Duplicates.

## **Comment 2 for In-Use Off-Road Diesel-Fueled Fleets (inuse2010) - Non-Reg.**

First Name: Rodney  
Last Name: Michaelson  
Email Address: rmichaelson@baycities.us  
Affiliation: Bay Cities Paving and Grading

Subject: In-use off-road diesel regulations  
Comment:

As a member of ORAIG I have watched this regulation become more and more complicated with more and more loopholes for national companies.

The legislature complicated the process by putting our emissions on a "credit card" with emissions come due in a couple years. The 2005 data used was extremely off the mark as far as emissions and fleet sizes and how diesel in ambient air acts in California.

Bay Cities Paving and Grading is fleet #68. One of the first private fleets and the first fleet to install EIR on our equipment.

I have been very active with the Off-road group over the last two years.

Our company has spent \$250,000 without government assistance to be in compliant by March 1, 2010. By giving taxpayer money to my competition or using fines on companies that are in California trying to survive, you are not helping the private sector in any fashion.

We have 104 pieces of construction equipment. 38 of those pieces we keep 6 years or less and trade in on new. 27 of them are vibration compaction machines that no DPF manufacturer will or can make a unit that will survive the vibrations these machines create under daily work loads.

We have only 8 older large hp machines left in our fleet now. We use them more than 100 hours a year but less than 500. In good times we might have traded the 1990 machine in for a 2003 machine and upgrade. With the new regulations this does not work financially and new sure does not work.

My fleet is 7 years old with a 7.1 average age engine. There is 14,277 horsepower in our fleet.

for 2010 our PM number is .40 regulations said it had to be .34 for 2014 the PM number is .16 per the regulation. I will be lucky to be at .25 by then.

Along with the in-use on road rules, where three of my twenty three trucks could be fitted with a DPF, we are going to be either out of compliance with CARB or out of business by 2015. Our truck fleet average age is 9-years-old.

On my own, using my own funds, I am going to Europe to investigate emission solutions. While doing my research for the trip, I have found NO COUNTRY is using DPFs as a solution except in the mining and tunneling industry. SCR and NOx filters are common.

Two weeks talking to contractors, equipment dealers and rental companies in Germany, Switzerland and England should give me a good feel for how Europeans are dealing with air quality regarding diesel PM and NOx along with ozone. We won't get into CO2 as that is beyond my understanding of atmospheric science.

I have promised the Off-road department a report upon my return on May 3rd, 2010.

As a Heavy-Civil Engineering equipment manager for 24 years I can help CARB to come to a workable solution for California air quality and the survival of family owned construction companies in the state.

As the rules are now, there is no survival method available for companies that are made up of common construction equipment.

I have a whole file cabinet of data on emissions at my office.

To the EO: I will work with any member of your choice except Eric White.

Eric, if you read this, I truly believe you are the political type individual that is using your unmoveable position regarding these regulations to try and move yourself up the ranks at CARB.

I don't trust you to be open-minded to the California contractor who is trying to compete in the marketplace without all the handouts your department are giving my competition.

We can build California and keep the air clean. We need to do it in a better way. There are several of us in California that can help if politics and special interests don't get in the way.

At the Citizens of California's service.

Rod Michaelson

Attachment: [www.arb.ca.gov/lists/inuse2010/3-letter\\_from\\_kim.doc](http://www.arb.ca.gov/lists/inuse2010/3-letter_from_kim.doc)

Original File Name: Letter from Kim.doc

Date and Time Comment Was Submitted: 2010-03-09 12:08:41

No Duplicates.

### **Comment 3 for In-Use Off-Road Diesel-Fueled Fleets (inuse2010) - Non-Reg.**

First Name: mark  
Last Name: turvey  
Email Address: markrturvey@aol.com  
Affiliation: EGCA San Diego

Subject: Emmissions Disaster  
Comment:

Dear CARB;  
Please back off the diesel emmissions regulations for at least  
FIVE YEARS. The proposed two year delay will not be enough.

Mark R. Turvey Equipment Rental is a owner operator, father and  
son small fleet. Our business has been decimated by the currant  
downturn in the construction industry. We have no work. Our income  
has dropped 85% the last two years and this year looks even worse.

In our efforts to reduce emmissions and upgrade our fleet we sold  
one 450 hitachi excavator and replaced it with a new tier 3 machine  
15 months ago. We are now making a \$6000 a month payment on a  
machine that there is no work for. There are no funds for any more  
upgrades of equipment. The only option for our company and many  
others is to run the equipment that we own until the regulation  
take effect, then go out of bussiness.

Thank You  
Mark R Turvey

15570 El Capitan Peak  
El Cajon CA 92021

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2010-03-10 05:06:49

No Duplicates.

## **Comment 4 for In-Use Off-Road Diesel-Fueled Fleets (inuse2010) - Non-Reg.**

First Name: Rob  
Last Name: Lewis  
Email Address: rob\_coastal@yahoo.com  
Affiliation:

Subject: Off Road Reg  
Comment:

I believe what CARB is doing to our industry is the wrong approach.  
We all want clean air but our air has never been this clean in 20 years. I have herd CARB say our air is getting cleaner every year but just not fast enough. Older equipment eventually becomes obsolete. Please let the equipment we have run their full usefulness. We paid a high price for our equipment and CARB has changed its useful life and made some of our equipment almost worthless. Our construction company is down 94.5% compared to 2007. We can not afford to implement any changes to the equipment at this time. You havent told people to go and sell there old cars (and not to any one in this state) and buy a new car yet. But that is what you are doing to us with our equipment. Please stop CARB from putting us out of business and devaluing our equipment. Regulate new equipment manufactured and in time all equipment will be tier 4 due to natural obsolescence.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2010-03-10 14:29:24

No Duplicates.

## **Comment 5 for In-Use Off-Road Diesel-Fueled Fleets (inuse2010) - Non-Reg.**

First Name: Norman

Last Name: Brown

Email Address: skipbrown@deltaconstr.com

Affiliation: Delta Construction Co., Inc

Subject: Two Options for Off-Road Diesel Engines

Comment:

The CARB has two good options to solve the current Off-Road Diesel engine issue without further damaging the economy.

Attachment: [www.arb.ca.gov/lists/inuse2010/6-delta\\_letter\\_\\_options\\_for\\_off-road\\_engines\\_031010.pdf](http://www.arb.ca.gov/lists/inuse2010/6-delta_letter__options_for_off-road_engines_031010.pdf)

Original File Name: Delta Letter, Options for Off-Road Engines 031010.pdf

Date and Time Comment Was Submitted: 2010-03-10 17:18:42

No Duplicates.



## **Comment 6 for In-Use Off-Road Diesel-Fueled Fleets (inuse2010) - Non-Reg.**

First Name: James

Last Name: Thomas

Email Address: james.thomas@nabors.com

Affiliation: Nabors Well Services Co

Subject: Comments Regarding the Off-Road Regulations

Comment:

Attached is our comments regarding the Off-Road Regulations.

Attachment: [www.arb.ca.gov/lists/inuse2010/7-carb\\_letter\\_off-road\\_regulation.pdf](http://www.arb.ca.gov/lists/inuse2010/7-carb_letter_off-road_regulation.pdf)

Original File Name: CARB Letter Off-Road Regulation.pdf

Date and Time Comment Was Submitted: 2010-03-11 08:05:30

No Duplicates.

## **Comment 7 for In-Use Off-Road Diesel-Fueled Fleets (inuse2010) - Non-Reg.**

First Name: Robert  
Last Name: Gonzalez  
Email Address: phoenix\_towing@att.net  
Affiliation:

Subject: Going out of business. Thanks CARB.  
Comment:

Greetings,

I have been a small business owner in Southern California for over 30 years. I operate a small fleet of 7 diesel-powered tow trucks, the oldest being a 1986, the newest is a 2004 model. All are professionally maintained and have passed opacity tests every single year. Our company provides service to the general public, various law enforcement entities such as CHP, and private fleets like Penske Truck Leasing and United Parcel Service. Due to increased emissions regulation, specifically the truck and bus regulations, and the cost of retrofitting or replacement in the current economic climate, I have no choice but to close down our small family run business and release 6 longtime employees. I will graciously send my former employees to the Employment Development Department. I and my family will attempt to find work in Arizona, where we will not be encumbered by Draconian regulations based on bogus research submitted by a fraudulent "scientist".

Thank you very much for ruining our way of life. Have a wonderful day.

Robert Gonzalez  
Phoenix Towing Co,  
1505 Bluff Road  
Montebello, CA 90640  
(323)722-7154  
(323)722-6356

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2010-03-11 09:50:58

No Duplicates.

**There are no comments posted to In-Use Off-Road Diesel-Fueled Fleets (inuse2010) that were presented during the Board Hearing at this time.**